

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Cassius Marcello Broadwater, Jr.,

Plaintiff,

v.

Administrator Ms. Anderson,

Defendant.

Case No.: 1:21-cv-04117-SAL

ORDER

This matter is before the court for review of the February 1, 2022 Report and Recommendation (the “Report”) of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C). [ECF No. 10.] The Report recommends dismissal of this case for Plaintiff’s failure to prosecute pursuant to Rule 41 of the Federal Rules of Civil Procedure. *Id.* at 3–4. The Report also recommends summary dismissal of Plaintiff’s complaint on the merits because Plaintiff’s claims are insufficient to state a constitutional violation. *Id.* at 4–6. Plaintiff did not file objections to the Report, and the time to do so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 10, and incorporates the Report by reference herein. Accordingly, this action is **DISMISSED** for failure to prosecute and on the merits.

IT IS SO ORDERED.

March 1, 2022
Florence, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge